

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/12/2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JOSEPH LICARI,
:
Plaintiff,
:
-v-
:
DOUGLAS ELLIMAN PROPERTY MANAGEMENT,
:
Defendant.
:
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09 Civ. 6934 (DLC)

ORDER

DENISE COTE, District Judge:

Plaintiff Joseph Licari ("Licari") filed this employment discrimination lawsuit on April 8, 2009 in the United States District Court for the Eastern District of New York. The case was transferred to this Court on August 6, 2009 and a Fed. R. Civ. P. 16 conference was held on October 2, 2009. An October 6, 2009 Order set April 30, 2010 as the deadline for the close of discovery, and May 21, 2010, as the date by which either a pretrial order or motion for summary judgment should be submitted.

In response to a joint application by the parties, an April 29 Order extended the deadline for filing a pretrial order or motion for summary judgment to September 3, 2010. This Order also notified the parties that the Court would not grant further extensions.

On August 10, 2010, the Court received a letter dated August 6, 2010 (the "August 6 letter"), from plaintiff's counsel, Thomas F. Bello ("Bello"), stating that he would no longer be able to represent Licari because he had recently been named an

administrative judge with the Taxi and Limousine Commission. The August 6 letter does not indicate that Licari received a copy of the letter. Based on the August 6 letter, this Court determined that plaintiff had demonstrated good cause for postponing the close of discovery. An August 10 Order extended the deadline for filing a pretrial order or motion for summary judgment to December 3, 2010.

By letter dated November 8 (the "November 8 letter"), defendant Douglas Elliman Property Management ("defendant") indicates that Licari has failed to appear for a scheduled deposition and that he has also failed to respond to defendant's document requests and interrogatories. The November 8 letter also states that Bello notified defendant on July 19 of his intention to withdraw from his representation of Licari, but that as late as September 9, 2010, Bello was still representing Licari because Licari had been unable to find new counsel. The November 8 letter requests that the Court enter a default judgment against Licari and require Licari to pay for the defendant's attorney's fees.

On November 8, Licari filed a letter stating that Bello no longer represents him and that he has been unable to find a new attorney. Attached to Licari's letter to this Court is a letter from Bello to Licari dated June 24, 2010, in which Bello notifies his client that he will no longer be able to represent him. Accordingly, it is hereby

ORDERED that until such time as Licari notifies the Court that he has retained the assistance of counsel, this proceeding shall be designated a pro se case.

IT IS FURTHER ORDERED that Licari shall have until January 14, 2011, to have a new attorney file a notice of appearance on his behalf.

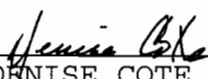
It IS FURTHER ORDERED that should Licari be unable to retain the assistance of counsel, fact discovery in this case will nevertheless conclude on **February 18, 2011**.

IT IS FURTHER ORDERED that either a motion for summary judgment or a Joint Pretrial Order shall be filed by **March 18, 2011**.

IT IS FURTHER ORDERED that plaintiff is instructed to comply with defendant's discovery demands, including defendant's interrogatories and notice of deposition. Plaintiff is reminded that failure to fully participate in the discovery process or to comply with any of the terms of this Order may constitute grounds for the denial of requested relief, dismissal of the action, the entry of judgment by default, or such other action as may be just in the circumstances.

SO ORDERED:

Dated: New York, New York
November 12, 2010



DENISE COTE
United States District Judge

COPIES SENT TO:

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